

Assembly Bill No. 2586

Passed the Assembly June 30, 2014

Chief Clerk of the Assembly

Passed the Senate June 26, 2014

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 218 to the Family Code, relating to family law proceedings.

LEGISLATIVE COUNSEL'S DIGEST

AB 2586, Bloom. Family law proceedings.

Existing law establishes the Civil Discovery Act, which governs the rules and procedures related to discovery in all civil cases, and specifies, among other things, the time for completion of discovery and the scope of discovery. Existing law generally requires discovery proceedings to be complete before the date initially set for the trial of the action. On motion of any party, existing law authorizes the court to grant leave to reopen discovery proceedings. Under existing law, the rules of practice and procedure applicable to civil actions generally apply to, and constitute the rules of practice and procedure in family law proceedings, except to the extent that any other statute or rules adopted by Judicial Council provide otherwise.

Before the commencement of a proceeding for modification or termination of an order for child, family, or spousal support, existing law establishes a procedure for limited postjudgment discovery in specified family law proceedings, by which either party ordered to pay support or the party to whom support was ordered to be paid is allowed to serve a request on the other party for the production of a completed current income and expense declaration.

This bill would require discovery to automatically reopen as to the issues raised in the postjudgment pleadings currently before the court when a request for order or other motion is filed and served after entry of judgment, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 218 is added to the Family Code, to read:

218. With respect to the ability to conduct formal discovery in family law proceedings, when a request for order or other motion is filed and served after entry of judgment, discovery shall

automatically reopen as to the issues raised in the postjudgment pleadings currently before the court. The date initially set for trial of the action specified in subdivision (a) of Section 2024.020 of the Code of Civil Procedure shall mean the date the postjudgment proceeding is set for hearing on the motion or any continuance thereof, or evidentiary trial, whichever is later.

Approved _____, 2014

Governor